

## **REMARKS**

Claims 1-21, 24-51 and 53-55 are pending in this application. By this Amendment, claim 1 is amended. Claims 2-21, 27, 29-30, 33-36, 43 and 53-55 stand withdrawn. Claim 1 is generic to all species. No new matter is added.

### **I. Information Disclosure Statement**

An Information Disclosure Statement and Form PTO-1449 were filed on December 22, 2003. Applicants again respectfully request acknowledgement of receipt and consideration of the references listed thereon.

### **II. Priority Documents**

Priority of foreign applications 11-367992 filed December 24, 1999 in Japan and 11-367991 filed December 24, 1999 in Japan under 35 U.S.C. §119, was claimed on December 15, 2000. Certified copies of these documents were filed on December 15, 2000. To date, Applicants have not received acknowledgement of receipt of the priority document. Applicants hereby request such acknowledgement.

### **III. Claim Amendments**

Applicants submit that the previously applied reference, U.S. Patent No. 6,315,371 to Wachi et al. (Wachi), does not disclose or suggest each and every feature reciting in the pending claims, as amended.

For example, Wachi does not disclose or suggest a braking pressure control apparatus for controlling a pressure of a working fluid in a brake cylinder of a hydraulically operated brake and a hydraulically operated braking system for a vehicle, the braking pressure control apparatus comprising *inter alia* ... a switching control device operable to control the switching device on the basis of a running condition of the vehicle ... wherein the switching control device includes a diagnosing device operable to determine whether the braking system is normal or not, the switching control device controlling the switching device on the basis of

the running condition of the vehicle only when the diagnosing device determines that the braking system is normal.

Thus, amended claim 1 specifically excludes the "failure" alleged to be disclosed in Wachi, from the recited running condition of the vehicle. Therefore, Applicants respectfully request that the rejection of claims 1, 37-40, 44 and 52 under 35 U.S.C. §102(e) be withdrawn.

**IV. Withdrawn Claims**

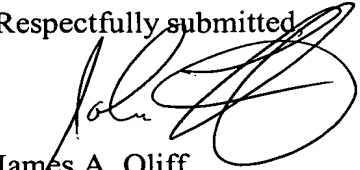
Additionally, as generic claim 1 is in condition for allowance, reconsideration and prompt allowance of withdrawn claims 2-21, 27, 29-30, 33-36 and 53-55 are earnestly solicited.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of pending claims 1-21, 24-51 and 53-55 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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